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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/173,445	10/16/98	KWITEK	B KWI-001

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HOWARD N FLAXMAN
AQUILINO & WELSH
2341 JEFFERSON DAVIS HWY STE 112
ARLINGTON VA 22202

EXAMINER

BLAU, S

ART UNIT

PAPER NUMBER

3711

8

DATE MAILED:

05/04/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/173,445

Applicant(s)

Kwitek

Examiner

Stephen Blau

Group Art Unit

3711



☒ Responsive to communication(s) filed on Mar 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1, 3, 6-11, 13, and 14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1, 3, 6-11, 13, and 14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 3, 6-7, 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 3 is indefinite for depending on a canceled claim. Claims 6, 11 and 13 are indefinite for not further limiting the claims they depend on. Claim 7 is rejected for depending on a rejected base claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3, 6-11 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Minami in view of Huang (5,730,669) and Moore.

Art Unit:

Minami discloses a tubular shell (5), a viscoelastic hand surface about the outer surface of the tubular shell (Ref. no. 6, Col. 3 Lns. 2-4, Col. 3 Lns. 14-16), a tubular shell being a soft elastomer in form of being made of rubber and being softer than the hand surface (Col. 3 Lns. 51-53), a golf club grip (Fig. 1), and a shell being substantially cylindrical shaped with a slight taper (Figs. 2-3).

Minami lacks a viscoelastic hand surface being a viscous silicone gel contained within an elastomeric bag and a tubular shell having circumferential lips to contain the viscoelastic hand surface. Huang discloses a shell having circumferential lips (Fig. 1). In view of the patent of Huang it would have been obvious to modify the grip of Minami to have lips on a tubular shell as defined by the claims in order to better secure a hand surface about a tubular shell.

Moore discloses a viscoelastic hand surface being a viscous silicone gel (Col. 5 Lns. 32-67) material contained within an elastomeric bag for a tennis racket in order to produce a more comfortable to wear grip and to distribute the weight and pressure more evenly to a hand of a player (Col. 1, Lns. 19-27). In view of the patent of Moore it would have been obvious to modify the grip of Minami to have a viscoelastic hand surface as defined by the claims in order to produce a more comfortable to wear grip and to distribute the weight and pressure more evenly to a hand of a player.

Response to Arguments


Art Unit:

4. Applicant's arguments with respect to claims 1, 3, 6-11 and 13-14 have been considered with respect to the patent of Huang (5,571,050) and agreed with as such a new rejections as been made and this Office Action is not made final.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steve Blau whose telephone number is (703) 308-2712. The examiner is available Monday through Friday from 8 a.m. to 4:30 p.m.. If the examiner is unavailable you can contact his supervisor Jeanette Chapman whose telephone number is (703) 308-1310. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0858.

slb/1 May 2000



JEANETTE CHAPMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700